

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
ISAIAH AND LUCINDA McMILLIAN)
)
 v) No. 10-0233
)
COMMONWEALTH EDISON COMPANY)
)
Complaint as to billing/)
charges in Sauk Village,)
Illinois.)

Chicago, Illinois

May 25, 2010

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. LUCINDA McMILLIAN and
MR. ISAAH McMILLIAN
1812 East 218th Street
Sauk Village, Illinois 60411
appeared pro se;

MR. MARK L. GOLDSTEIN
3019 Province Circle
Mundelein, Illinois 60060
appeared for the Respondent.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR

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2							
3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u>	<u>Re-</u>	<u>By</u>	
				<u>dir.</u>	<u>crx.</u>	<u>Exmnr.</u>	
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1 (Whereupon, Complainant's
2 Exhibits Group 1, 2 and 3
3 were marked for
4 identification.)
5 (Whereupon, Respondent's
6 Exhibits Nos. 1 through
7 6 were marked for
8 identification.)
9 JUDGE RILEY: Pursuant to the direction of
10 the Illinois Commerce Commission, I call
11 Docket 10-0233. This is a Complaint by Isaiah and
12 Lucinda McMillian versus Commonwealth Edison Company
13 as to billing and charges in Sauk Village, Illinois.
14 Ms. McMillian, would you be handling
15 your portion of the evidence this morning --
16 presenting any evidence and testimony?
17 MS. McMILLIAN: Yes.
18 JUDGE RILEY: Would you state your name and home
19 address for the record, please.
20 MS. McMILLIAN: Lucinda McMillian, 1812 East
21 218th Street, Sauk Village, Illinois 60411.
22 JUDGE RILEY: Okay. Thank you.

1 LUCINDA McMILLIAN,
2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY

7 JUDGE RILEY:

8 Q Please proceed with any evidence or
9 testimony you may have.

10 A Okay. This all began on -- in December of
11 2008. And I informed the ComEd people that they had
12 overcharged me. I'd been out of town and my bill
13 was like twice as much as it usually is. So I
14 informed them and they said they were going to do an
15 investigation.

16 And they assigned me to a
17 representative by the name of Gay Gallapo, who was
18 working my case. And I asked them to take off the
19 amount that they overcharged, which they did not do.
20 And the last time that I was here it was stated that
21 there was not a bill for \$300 and I have it here --
22 I forgot to give it to her -- but I have the bill

1 here for the \$300 that was overcharged.

2 And, lately, I have been getting, I
3 guess, aggra- -- to aggravate me, I don't know what
4 the purpose was, to prevent me from coming to the
5 hearing, but I've had ComEd trucks parked in my
6 driveway, I have the picture here. And I had a
7 driver to come out and take my meter away and put a
8 new one in, which I -- and when I asked him what he
9 was doing -- I had to call the police because I
10 heard the noise on the outside, somebody banging
11 against the house and the lights were going on and
12 off, on and off.

13 So what I did was, I called the
14 Sauk Village Police and they sent an officer out and
15 we went to the backyard and he was down there taking
16 the meter out. He said that someone had ordered the
17 meter to be taken out, which I did not. Because if
18 we're having a discrepancy about somebody
19 overcharging I think the meter should have been
20 looked into but not taken out until after the
21 hearing. So the meter was taken out and they put
22 another one in. And that seemed mighty strange to

1 me.

2 Q Did anyone from Commonwealth Edison contact
3 you about the meter that was taken out? Did they
4 tell you why it was taken out?

5 A No.

6 Q Did the individual that was taking the
7 meter out at the time, that you confronted him with
8 the police officer, were there any questions asked
9 of him at that time as to what he was doing or why
10 he was doing it?

11 A The police officer asked him what he was
12 doing and he said, I'm removing the meter. And then
13 he asked me, Did you ask to have the meter removed?
14 And I said, No, I did not. I did not give my
15 permission for anything to be done. I was waiting
16 for after the hearing. I didn't ask for a meter to
17 be taken out because I didn't know that they was
18 going to do it. No one informed me. But I called
19 ComEd myself and asked them and they didn't give me
20 any information.

21 So I went outside and took -- asked
22 the driver to give me his name and his ID number and

1 he did give me that. And I took pictures of him
2 taking the meter out.

3 Q And when did this occur, do you remember?

4 A May 12th. It was on a Wednesday.

5 Q Of this month?

6 A Uh-hum.

7 Q And was this during just regular daylight
8 hours?

9 A Around 9:00 a.m.

10 Q Early in the morning.

11 Now with regards to the \$300 spike in
12 your billing that you've alleged in your complaint,
13 did you say you have a bill there that shows that?

14 A Yes, I do.

15 Q Is this something from ComEd?

16 A I printed off the Internet.

17 Q It's got an Exelon logo from the Exelon Web
18 site.

19 A Uh-hum.

20 Q Does this reflect your account?

21 A Yes, it's my account.

22 Q One thing I wanted to note, the account is

1 in the name of Isaiah McMillian, is that correct?

2 A But I'm on it also.

3 Q You are -- the only reason I ask, you're
4 name is not reflected on the bill.

5 A But when I call in -- because I do the bill
6 paying, when I call in they have my name on there so
7 I could make bills out and inquire about charges.

8 JUDGE RILEY: Let the record reflect that the
9 Complainant has tendered a document from the Exelon
10 Web site. It contains an account summary dating
11 from January 12th, 2007, to December 10th, 2008.

12 And, Counsel, there is also a bill
13 from Commonwealth Edison issued November 7th, 2008
14 (indicating).

15 Q Ms. McMillian, with regard to the document
16 that was printed from the Exelon Web site, it
17 begins, as I said, on January 12, 2007, and proceeds
18 all the way through 2007 and through almost all of
19 2008.

20 Is it my understanding that from
21 November 7, 2008, till December 10, 2008, there is
22 roughly -- not quite \$300 increase in your bill,

1 from 382.22 on November 7 through December 10, 2008,
2 to 645.37? Is that what you're alleging was the
3 sudden increase?

4 A 382 to --

5 Q That's what I'm saying, from 382 to 645 was
6 the sudden increase.

7 Is that what's reflected on the other
8 bill there? Looking at the Commonwealth Edison bill
9 dated November 7, 2007, the total amount due is
10 \$382.22, which is consistent -- matches the Exelon
11 printout.

12 And do you have the bill for the
13 December 10, 2008 --

14 A I'm sure I do.

15 JUDGE RILEY: We're going to have to make copies
16 of these documents for your evidence. You're going
17 to move for their admission into evidence.

18 Q Now, when you received that December 10,
19 2008 bill that reflected the large increase, did you
20 contact Commonwealth Edison about that?

21 A Yes, I did.

22 Q And you say you spoke to someone. Do you

1 remember that person's name?

2 A A Stephanie was the first person I spoke to
3 and she said someone by the name of Gay Gallapo
4 would be calling me. So I talked to Stephanie first
5 and she was the one who told me that Ms. Gallapo
6 would be calling me.

7 Q And did Ms. Gallapo call you?

8 A About two weeks later she called. And she
9 said they would have to investigate it.

10 After that I talked to her
11 periodically, you know. She said they were still
12 working on it.

13 So I then called Mrs. Waters in
14 Springfield, the headquarters of the ICC. I told
15 her that I wasn't hearing from them. And she said,
16 I'll give them a call and they will be calling you.
17 So they did call. And she said she was still
18 checking on it. And it just kept going and going
19 and going. And I would call Mrs. Waters
20 periodically. And she'd say, I'll talk to ComEd.

21 And, then, finally, I called
22 Ms. Waters and she said that Gay Gallapo had

1 retired. And nobody told me.

2 Q All right. Was there ever -- did they ever
3 at that time do a meter reading as part of the
4 investigation, do you know?

5 A I don't know.

6 Q You don't know if they ever read the meter?

7 A I don't know if they read -- they didn't
8 tell me that they did.

9 Q All right. All you know is that you got a
10 sudden increase in your bill.

11 A Yes.

12 Q Was it ever explained to you why?

13 A Well, this is what they said and to my
14 recollection, they said that what they were going to
15 do is on my next bill is going to reflect a
16 different amount -- you know, a lower amount, that's
17 what they said. But I didn't see anything
18 different. I mean, I told them I wanted them to
19 take it off the bill so I could see it with my own
20 eyes, the difference. But they said something about
21 they couldn't do that, that they would take it off
22 on the next bill.

1 Q All right. Now, with regard to your home,
2 are you -- is it an electric-heated home?

3 A No, it's gas.

4 Q Gas-heated.

5 What kind of electrical appliances do
6 you have there?

7 A Just computers, refrigerators.

8 Q Do you have an electric range or electric
9 oven?

10 A No, I have gas.

11 Q Otherwise it's just lights, refrigerator --

12 A Yes.

13 Q -- washer/dryer?

14 A Washer and dryer.

15 Q Are those electric both?

16 A The dryer is gas. The washer is electric.

17 Q And nothing out of the ordinary. Then no
18 other major electrical appliances? Television?

19 A Yeah, TV.

20 Q Right.

21 Is there any other evidence that you
22 have?

1 A I have the incident report that the police
2 officer wrote up and I have pictures of the meter.
3 Because when the guy came out he said the reason why
4 they may have made a mistake is because they
5 couldn't see the meter because my deck was covering
6 the meter. So I've had that deck for over several
7 years. And if they couldn't read it, then they've
8 overcharged me for over several years.

9 Q Why did they wait until May of this year to
10 tell you that the deck was obstructing their view of
11 the meter?

12 A That's why I felt like they were trying to
13 aggravate me. Because they never had complained
14 before. Well, they never spoke any complaints to me
15 before about the deck.

16 Q And you had never had any renovations to
17 the deck that would have obscured the meter? Has it
18 always been visible to ComEd?

19 A I've had the deck -- I've been living in
20 this house for 26 years. And I had a new deck put
21 up several years ago. And that's been like --

22 JUDGE RILEY: You can confer with

1 Mrs. McMillian.

2 Q You say how many years ago -- he said the
3 deck was installed how many years ago?

4 A About five, say five. Okay, around that.

5 But I never had anybody say anything that it was
6 obstructing anybody's view. Because I've had people
7 come out and read the meter a long time and they
8 never said anything.

9 Q It's your testimony then that after the
10 construction of the new deck, approximately, five
11 years ago, ComEd had no difficulty reading the meter
12 at all --

13 A None at all.

14 Q -- during that entire time until just very
15 recently --

16 A Until I filed this hearing.

17 Q All right.

18 A And I also have -- this was left on my door
19 and then I have the letter they sent out and saying
20 that they were going to shut off my electric service
21 because they couldn't read the meter.

22 Q We went through that at the prehearing

1 conference, I recall that.

2 A I told you I was going to bring this. I
3 only had this at the prehearing. But I have the
4 letter that they sent out, also.

5 JUDGE RILEY: All right. I don't have any
6 further questions for the Complainant at this time.

7 Mr. Goldstein, did you --

8 MR. GOLDSTEIN: Could we see the letter and the
9 notice that was posted on the door?

10 JUDGE RILEY: I haven't seen the letter. But we
11 saw the notice when it was submitted at the
12 prehearing conference.

13 THE WITNESS: (Indicating.)

14 CROSS-EXAMINATION

15 BY

16 MR. GOLDSTEIN:

17 Q Ms. McMillian, do you see the meter
18 reader -- meter person that went out to your
19 residence on May 12th in the room?

20 A I'm sorry.

21 Q Do you see that person who came out to your
22 residence on May 12th to --

1 A Remove the meter.

2 Q -- remove the meter?

3 JUDGE RILEY: Is your question, is that person

4 in the room?

5 MR. GOLDSTEIN: Q Is that person in the room?

6 A It sort of looks like him, but I'm not sure

7 (indicating). He had a hat on.

8 Q And when the meter person came out to

9 remove the meter a new meter was put in, was it not?

10 A I just know he said he was removing it. I

11 haven't even looked at it.

12 Q You don't even know --

13 A The only time I really saw it was when I

14 went with the officer in the backyard and I never

15 looked at it since. All I know is that --

16 Q And could you describe for us where the

17 meter is located with relation to your deck?

18 A It's under my deck.

19 Q And isn't there a piece of wood that was

20 blocking the meter?

21 A I have pictures. I can show you how it

22 looked before and --

1 MR. McMILLIAN: (Inaudible.)

2 JUDGE RILEY: Excuse me, sir, you have to be

3 under oath to speak.

4 THE WITNESS: These are the after pictures and

5 this is the picture before, which is not that big of

6 a difference (indicating).

7 JUDGE RILEY: Off the record.

8 (Whereupon, a discussion

9 was had off the record.)

10 JUDGE RILEY: Back on the record.

11 MR. GOLDSTEIN: Q Ms. McMillian, when you

12 received the notice on your door and then -- that

13 was on April 14th, 2010. And then on April 20th,

14 2010, you received a letter from ComEd with respect

15 to the meter being blocked by your deck. What did

16 you do about it?

17 A Well, when I came to the last hearing I had

18 the one behind that shows that, and then when I got

19 home -- and I think this came -- no, I had that,

20 too, but I didn't bring it -- I didn't bring the

21 letter.

22 Q Did you do anything about it? Did you

1 remove the wood that was blocking the meter?

2 A Yes.

3 Q How far is the bottom of the deck from the

4 ground in your house, do you know, approximately?

5 A I don't know.

6 JUDGE RILEY: Mr. Goldstein, do you mean the

7 underside of the deck?

8 MR. GOLDSTEIN: Q Yes, the underside of the

9 deck.

10 MR. McMILLIAN: 6 feet.

11 JUDGE RILEY: You can confer with

12 Mrs. McMillian.

13 MR. GOLDSTEIN: Q Would someone have to duck

14 under the deck in order to read the meter?

15 A No -- I'm 5'7 and I can stand under there.

16 Q And -- but if someone like 6-foot tall,

17 would someone have to duck under there to read the

18 meter?

19 JUDGE RILEY: Mrs. McMillian, the question

20 is --

21 THE WITNESS: I'm trying to get it from my

22 husband, because you said he couldn't speak.

1 JUDGE RILEY: Well, he's not under oath yet.

2 You're testifying right now.

3 THE WITNESS: Okay.

4 MR. GOLDSTEIN: Q You don't know the answer to
5 that question?

6 A My husband would know. I know -- I don't
7 know how high it is, but I know me being 5'7 I can
8 stand up with no problem. And I believe he could
9 because there's a space over my head when I stand
10 up. I don't know the exact height.

11 Q Now, am I correct that the last date you
12 paid any electric bill was on December 8th, 2008?

13 A Correct.

14 Q And why haven't you paid any bills since
15 that date?

16 A Okay. When we discussed this and they were
17 supposed to be getting the information about it and
18 doing the investigation on it, I informed them, I
19 said, Until you take this amount off, there will be
20 no payment until you give me a straight answer as to
21 why you're overcharging me when I knew I wasn't in
22 town for a whole week. And my bill is usually lower

1 than that. Nobody gave me any answers.

2 Q When you say "they," who are you talking
3 about?

4 A When I say "they," I mean representatives
5 of your company.

6 Q Like -- do you have any names of anybody?

7 A Stephanie and Gay Gallapo.

8 Q And what was the response of Gay Gallapo
9 when you said you weren't going to pay your bill?

10 A She said, Well, I'll get back to you. And
11 I never heard from her again. About two or three --
12 maybe a month, then I called Mrs. Waters at the ICC
13 in Springfield.

14 Q And getting back to the meter again. Do
15 you know as a matter of fact that ComEd actually
16 owns that meter that's servicing your home?

17 A Do I know that?

18 Q Yes.

19 A It was told to me when I called that day
20 when he was taking it away and he put a new one in.
21 And I said, Why are you taking the meter out? And
22 he said, Didn't you authorize it? And I said, No, I

1 didn't authorize anything.

2 Q Now you understand that the meter is the
3 property of ComEd?

4 A I always knew that it was their property.
5 But what I'm saying is this, that I don't understand
6 why all of a sudden the meter had to be taken out if
7 we were going to have a hearing today. That was two
8 weeks ago.

9 Q So let's go on to the bills.

10 Were you ever told that if there was a
11 misreading on your November 2008 bill that that
12 would ultimately be corrected on the subsequent
13 bill?

14 A Yes, something to that effect. They said
15 that it would reflect --

16 Q And wasn't that actually the fact that on
17 the next bill the bill was substantially lower than
18 the \$300-plus bill that you received in November of
19 2008?

20 A From looking at my bill and looking at what
21 I printed from your Web site, there's -- I don't see
22 anything taken off.

1 Q You don't see that the bill from -- for the
2 period of December 10, 2008, to January 13, 2009, is
3 for only \$53.03 as opposed to the \$360 bill that you
4 received previously?

5 A I don't see that on my bill.

6 Q Oh, okay.

7 Do you have with you the January 13,
8 electric bill, 2009, that you received?

9 A January 13?

10 Q Yes. Do you have that bill with you?

11 A That would be 2009, correct?

12 Q Correct.

13 JUDGE RILEY: Is it my understanding she's
14 looking for a specific bill?

15 MR. GOLDSTEIN: Yes.

16 JUDGE RILEY: That was January 13, 2009?

17 MR. GOLDSTEIN: Yes.

18 THE WITNESS: (Indicating.)

19 JUDGE RILEY: Were you able to find the bill?

20 MR. GOLDSTEIN: Did she answer the question?

21 JUDGE RILEY: Were you able to find the
22 January 13, 2009?

1 THE WITNESS: I gave it to him.

2 MR. GOLDSTEIN: Q Do you know what the
3 January 13, 2009 bill was? In the amount of what?

4 Would you like to look at this to see
5 (indicating)?

6 A It says January 13, 2009, 702.64.

7 Q But the bill itself, if you take the
8 previous amount that's outstanding and subtract that
9 from that bill, the actual bill itself was \$53.03,
10 would you agree with that?

11 A No, because the bill prior to that was 300
12 and something.

13 Q I understand that.

14 I'm asking you what the January bill
15 was. And the January bill was \$53, was it not?

16 A It says January -- you said January 13,
17 2009, correct?

18 Q Right.

19 A It says January 13 --

20 Q I'm talking -- I'm not talking about the
21 total bill. I'm talking about the bill for that
22 month was \$53, was it not?

1 A Okay. If that --

2 Q And so --

3 JUDGE RILEY: Mr. Goldstein, she didn't answer

4 the question.

5 THE WITNESS: If my bill was for \$53 and my

6 prior bill was 300 and some dollars, wouldn't that

7 be \$400 and some change?

8 MR. GOLDSTEIN: Q If your previous bill was

9 \$645 and your new bill is \$702, would not the bill

10 be about \$57?

11 A How did you get to the 600 when it was 300?

12 Q Because you don't pay your bill.

13 A I do pay my bills. I do pay my bills.

14 Q That's pretty simple.

15 A I pay my bills.

16 Q Well --

17 A Check your records and see how many times

18 I've been disconnected. You won't find one.

19 JUDGE RILEY: Mr. Goldstein, is it my

20 understanding from your line of questioning that

21 you're trying to explain to the Complainant that

22 once she got the increase in the December 2008 bill,

1 which she alleges was a \$300 upward spike, that she
2 was given a credit the following month?

3 MR. GOLDSTEIN: Well, the meter corrected itself
4 and, obviously, the bill for the next month was
5 substantially lower than what she usually gets.
6 That's the point of the question.

7 JUDGE RILEY: It raises a whole other question
8 with me, but proceed.

9 MR. GOLDSTEIN: I have nothing else, Judge.

10 JUDGE RILEY: Thank you.

11 MR. GOLDSTEIN: I think that for the purpose of
12 the record, Judge, the notices that were posted on
13 the door and the letter sent to Mr. McMillian should
14 be marked as exhibits. If they're not Complainant's
15 exhibits, I would have them marked as ComEd
16 cross-exhibits.

17 JUDGE RILEY: Let's return them to the
18 Complainant and we'll deal with that in just a
19 moment. I have some more questions.

20 THE WITNESS: He said that they would not be
21 used for my benefit as an exhibit.

22 MR. GOLDSTEIN: I stand corrected, Judge.

1 The posting on the door is already
2 marked as Complainant's Exhibit 3.

3 JUDGE RILEY: It's been marked, right, yes. It
4 hasn't been moved for admission yet.

5 MR. GOLDSTEIN: If they're not moved, then I
6 would ask that these exhibits be marked as
7 cross-exhibits and I'll move them.

8 JUDGE RILEY: All right. I've got some
9 additional questions for clarification here.

10 FURTHER EXAMINATION

11 BY

12 JUDGE RILEY:

13 Q Ms. McMillian, who constructed the deck?

14 Was this an independent contractor?

15 A My husband knows that.

16 JUDGE RILEY: Counsel, at this time, swear
17 Mr. McMillian in. I have some additional questions.

18 (Witness sworn.)

19

20

21

22

1 ISAIAH McMILLIAN,
2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY

7 JUDGE RILEY:

8 Q Do you know who built the -- who
9 constructed the deck?

10 A My problem with --

11 Q No, no, no.

12 A I did.

13 Q You constructed the deck.

14 A I did.

15 Q And that was about five years ago, is that
16 correct?

17 A About five years.

18 Q Did you ever -- after you completed the
19 construction of that deck, did you ever make any
20 alterations to the construction?

21 A I'm sorry.

22 Q Did you ever change anything in the

1 construction after you completed it?

2 A The only thing I changed is when I got this
3 letter here, that's the only time I changed.

4 Q And what change did you make?

5 A Because the wood -- the 6 by 6 wood was
6 blocking part of the meter. When this came, I sawed
7 it and cut it out so it's the whole meter.

8 Q So when the deck was originally constructed
9 in, approximately, 2005, there was a piece of wood
10 or a piece of the deck was blocking the meter.

11 A Partially, yes. I've got a picture of it.

12 Q Right. I understand that.

13 And then once you were notified by
14 Commonwealth Edison that their access to the meter
15 was obstructed, you removed the piece of wood that
16 was blocking the meter.

17 Is that what those pictures purport to
18 show?

19 A Yes.

20 Q Did Commonwealth Edison ever mention to you
21 anytime prior to this month -- to the time that you
22 got that notice, that there was anything blocking

1 that meter?

2 A Never.

3 Q You never heard anything from them at all.

4 A Never, period.

5 Q Did Commonwealth Edison send you anything
6 in writing or ever notify you that the meter was now
7 unobstructed and that they can view it without any
8 difficulty?

9 A I'm sorry.

10 Q Did Commonwealth Edison ever notify you --
11 after you removed that piece of wood, did they ever
12 notify you that everything was okay and that they
13 could read the meter without difficulty?

14 A No, sir.

15 Q Was Commonwealth Edison at all times, after
16 the construction of the deck, but when the piece of
17 wood was partially obscuring the meter, were they
18 still able to take meter readings, to your
19 knowledge?

20 A Yes, the whole top was clear after I cut
21 the wood out, totally clear.

22 Q So you're saying that they could read the

1 numbers on that meter.

2 A Top numbers, yes.

3 Q And what part was obstructed -- what part
4 of the meter was obstructed -- what part of the
5 meter couldn't they see?

6 A You couldn't see the lower part. You could
7 see the top part, about four or five number. Once I
8 cut this out they could see the whole entire meter.

9 Q But were there any numbers obscured by that
10 piece of wood when you built the deck?

11 A At first -- this is before and this is
12 after (indicating). Before you couldn't see this
13 here (indicating).

14 JUDGE RILEY: Okay. Let the record reflect then
15 that prior to the time -- that at the time you
16 constructed the deck it obscured the actual dials
17 like, that reflected the kilowatt hours.

18 THE WITNESS: Right. Right.

19 Then after I cut it you can see it.

20 JUDGE RILEY: Q After you cut the piece of wood
21 that you removed you could see the kilowatt hours.

22 But Commonwealth Edison, at the time

1 you constructed that deck until just recently, they
2 had never complained to you before --

3 A No.

4 Q -- they couldn't read the meter?

5 A Right, never complained at all.

6 JUDGE RILEY: Mr. Goldstein, I don't think I
7 have anything further for Mr. McMillian right now.

8 CROSS-EXAMINATION

9 BY

10 MR. GOLDSTEIN:

11 Q All right. Mr. McMillian, when did you
12 remove the board in front of the meter?

13 A My wife gave me the letter on the 12th,
14 whatever day that were, the lights be turned off if
15 they could not repair it. So I went that Saturday
16 and made the adjustment.

17 Q So you removed the board shortly after the
18 notice was posted on April 12 of 2010.

19 And --

20 A The 14th.

21 Q -- if a meter reader had to get a clear
22 view of the entire meter prior to the time that you

1 removed the board, would not that meter reader have
2 to crouch under to look at the entire meter?

3 A That's my problem I'm having. If they did
4 that, why all of the sudden they said you're
5 blocking that, all of a sudden now, if they did it
6 before? Five years they've been taking a reading
7 with no problem. All of a sudden we got to come to
8 court for a hearing.

9 Q Just answer the question, if you would.
10 Would you not have to crouch under to
11 get a full view of the entire meter under your deck?

12 A Yes.

13 Q And that's actually the reason why you got
14 a notice from ComEd because they were having trouble
15 reading the meter.

16 A Why didn't ComEd come before now --

17 Q And weren't there -- because, perhaps,
18 there was a new meter reader.

19 JUDGE RILEY: This is speculation and argument.

20 MR. GOLDSTEIN: Let me ask you this then.

21 Q Let's go back to the November 2008 bill
22 that you guys received. Isn't it conceivable to you

1 that a meter reader crotching under your deck to
2 read the meter misread one of the times on the
3 meter?

4 A Repeat that again.

5 Q Isn't it conceivable to you that a meter
6 reader crotching under your deck to read the entire
7 meter could have misread one of the dials on the
8 meter as it relates to that 2008 bill?

9 JUDGE RILEY: He's just asking you, is it
10 possible that the meter reader --

11 THE WITNESS: It's possible.

12 JUDGE RILEY: -- could have misread one of the
13 dials.

14 THE WITNESS: It's possible. It's possible.

15 JUDGE RILEY: All right.

16 MR. GOLDSTEIN: I have nothing else.

17 JUDGE RILEY: Thank you, Mr. McMillian.

18 (Witness excused.)

19 JUDGE RILEY: I don't have any questions for
20 Ms. McMillian or Mr. McMillian at this time.

21 I want to deal with the matter of
22 their evidence.

1 You have several documents.

2 (Whereupon, a discussion
3 was had off the record.)

4 JUDGE RILEY: Back on the record.

5 Mr. Goldstein, the Complainant has
6 tendered to me as evidence the following,
7 November 7, 2008 Commonwealth Edison bill to Isaiah
8 McMillian.

9 MR. GOLDSTEIN: What is that exhibit?

10 JUDGE RILEY: We haven't marked anything yet.
11 I'm just identifying it for you. We'll get to the
12 exhibit numbers in just a second.

13 There's also an Exelon printout from
14 the Web site that reflects billing amounts and due
15 dates from January 12th, 2007, to December 10, 2008,
16 that's on Page 1 of 1. And there's also information
17 on the other side reflecting credits.

18 There are a series of photographs,
19 before and after photographs, showing the meter
20 partially obscured by the wood and then unobscured
21 after the wood was removed, five photographs in all.

22 We have the notice from Commonwealth

1 Edison with regard to the deck blocking the meter.

2 There's an incident report, May 18, 2010.

3 And that's the total -- that is the
4 sum of the evidence that has been submitted by --

5 MR. GOLDSTEIN: If I could see the incident
6 report.

7 JUDGE RILEY: (Indicating.)

8 Let's start with the ComEd bill dated
9 November 7, 2008, let's mark that as Complainant's
10 Exhibit 1.

11 (Short pause.)

12 JUDGE RILEY: Let the record show that the
13 following documents, the photographs have already
14 been marked as Group Exhibit 1. The incident report
15 has been marked as Complainant's Exhibit 2. The
16 notice from Commonwealth Edison that was hung on the
17 doorknob has been marked as Complainant's
18 Exhibit 3.

19 And I'm going to mark as Complainant's
20 Exhibit 4 the Commonwealth Edison bill dated
21 November 7, 2008. And as Complainant's Exhibit 5 is
22 the printout from the Exelon Web site.

1 (Whereupon, Complainant's
2 Exhibits 4 and 5 were marked
3 for identification.)
4 JUDGE RILEY: And I trust, Ms. McMillian, that
5 you're moving for the admission of these exhibits
6 into evidence?
7 MS. McMILLIAN: Yes.
8 JUDGE RILEY: Mr. Goldstein, do you object to
9 any or all the exhibits?
10 MR. GOLDSTEIN: I have no objection to 1, 3, 4,
11 5. The incident report is irrelevant to the
12 proceeding, so I object.
13 JUDGE RILEY: I'm sorry.
14 MR. GOLDSTEIN: So I object.
15 JUDGE RILEY: Okay. Ms. McMillian, any response
16 to the objection?
17 MS. McMILLIAN: I think they are relevant
18 because they're showing the officer clearly states
19 that they were removing the meter and replacing it.
20 She put it in her report and I did not authorize it.
21 MR. GOLDSTEIN: It's not her meter.
22 MS. McMILLIAN: I know it's not my meter, but --

1 MR. GOLDSTEIN: So, it's irrelevant.

2 MS. McMILLIAN: I don't think it's irrelevant.

3 JUDGE RILEY: I'm going to give her the benefit
4 of the doubt, Counsel, and I'm going to admit it.

5 Complainant's Exhibits 1 through 5 are
6 admitted into evidence.

7 (Whereupon, Complainant's
8 Exhibits 1 through 5 were
9 admitted in evidence.)

10 JUDGE RILEY: And that would effectively
11 complete the Complainant's case in chief.

12 Mr. Goldstein, I understand you have a
13 number of exhibits that you're going to present
14 along with witnesses?

15 MR. GOLDSTEIN: Yes, I have. They've already
16 been marked, Judge. I've provided the exhibits to
17 the Complainant, 1 through 6.

18 JUDGE RILEY: Let's take 5 minutes.

19 (Whereupon, a short
20 recess was taken.)

21 JUDGE RILEY: We're back on the record.

22 We've completed the Complainant's case

1 in chief.

2 Mr. Goldstein, I'll turn to you now.

3 Did you have witnesses you wanted to
4 call?

5 MR. GOLDSTEIN: Yes. I call as my first witness
6 Gay Gallapo.

7 JUDGE RILEY: Good morning, Ms. Gallapo.

8 MS. GALLAPO: Good morning.

9 (Witness sworn.)

10 GAY GALLAPO,
11 called as a witness herein, and after having been
12 first duly sworn, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 BY

16 MR. GOLDSTEIN:

17 Q Please state your name for the record and
18 spell your last name.

19 A It's Gay Gallapo, G-a-l-l-a-p-o.

20 Q And how long were you employed by
21 Commonwealth Edison Company?

22 A 14 and a half years.

1 Q And what was your employment during that
2 time -- what position did you hold with the company?

3 A It's been strictly customer service the
4 entire time. The majority of the time I was a
5 customer service representative and then moved on to
6 customer relations and became a customer relations
7 analyst.

8 Q What does a customer relations analyst do?

9 A Basically, we receive inquiries from
10 customers that have been escalated and we
11 investigate what it is they're inquiring about.

12 Q And what is your present employment
13 situation with Commonwealth Edison?

14 A I've been hired back as a contractor doing
15 the same duties.

16 Q As an analyst?

17 A Yes.

18 Q And as an analyst, do you have access to
19 the Company's books and records?

20 A Yes, I do.

21 Q And those books and records that you're
22 going to present this morning are books and records

1 that are kept by Commonwealth Edison in the ordinary
2 course of its business, is that right?

3 A Yes.

4 Q And how did you become familiar with the
5 account of Isaiah and Lucinda McMillian at 1812
6 218th Street in Sauk Village?

7 A It was assigned to me that came in as an
8 Illinois Commerce Commission inquiry. I believe
9 there was a Citizen Utilities Board inquiry also.
10 But what happens is when the Illinois Commerce
11 Commission sends over an inquiry it's assigned to an
12 analyst and that analyst is the one that reviews and
13 investigates it.

14 Q And you reviewed the McMillian account.

15 A Yes, I did.

16 Q And let me show you what's been marked
17 initially as ComEd Exhibit 1, it's entitled ComEd
18 Account Activity Statement. Am I correct it covers
19 a period from, approximately, April 2008 through
20 April 13th, 2010?

21 A Yes -- well, May of 2008 to April/May of
22 2010.

1 Q Okay. And even as early as May in 2008,
2 was there an outstanding balance on the McMillian
3 account in Sauk Village?

4 A Yes, there was.

5 Q And let's go down to -- and how much was
6 that outstanding balance at that time?

7 A The balance due -- the total bill was
8 477.89, the balance forward from a previous bill was
9 274.17 was the bill issued on June the 10th, 2008.

10 Q Okay. And there was an outstanding balance
11 up until, at least, October 9th, 2008, isn't that
12 right?

13 A That is correct.

14 Q Let's look specifically beginning with the
15 2000- -- something marked 10-09-08 electric bill.

16 Could you go across there and explain
17 what is reflected on that line of the activity
18 statement?

19 A On October 9th of 2008, the electric
20 service billed for the period of September the 10th,
21 2008, through October the 9th of 2008 with a reading
22 of 85213, and it will provide the meter number. The

1 current charges for that particular billing period
2 was 139.78. The total bill was 396.09. There was a
3 balance forward, that is already included in the
4 396.09, of 137.34. Meaning that that 137.34 was the
5 past due balance on this bill.

6 Q And let's now look at the line that is
7 noted as 11-7-08, electric service.

8 Could you explain what is shown going
9 across on that activity statement line.

10 A November 7th of 2008, the electric service
11 bill for the period of October 9th of 2008 to
12 November the 7th of 2008, the reading at that time
13 was 86648, and the meter number provided. And the
14 current charges for that particular billing period
15 was 179.34. The total bill was 382.22, of that
16 59.99 was -- excuse me, 55.59 is the balance forward
17 which was past due at that time.

18 Q And going down a few more lines to
19 12-10-08, the line that says Electric service, could
20 you explain what is shown on that line.

21 A And that was December 10th of '08, electric
22 service billed from November the 7th of 2008 to

1 December the 10th of 2008, with a reading of 89700,
2 reflects the meter number. Showing the current
3 charges for that particular period of 360.16 and --
4 so that total bill was 645.37, past due was 102.08
5 balance forward.

6 Q Now, let's go two lines further down to
7 line that says Electric service for 1-13-09.

8 A Uh-hum.

9 Q What is shown going across that activity
10 statement line?

11 A That was billed January 13th of '09, the
12 electric service for December 10th of '08 to
13 January 13th of '09, that reading was 90066, shows a
14 meter number. We're showing the current charges for
15 that particular billing period of \$53.03. The total
16 bill is 702.64 and the past due was 286.46, which
17 was the balance forward.

18 Q Now, if we take the bills which began with
19 October 9th, 2008, through the billing of 1-13-09,
20 do you have a total for those amount of bills?

21 A I do not. I do have a calculator. I have
22 the total for the December and the January bill.

1 Q All right. Why don't you give us the
2 December and January bill.

3 A The December bill in the amount of 360.16
4 plus the January bill in the amount of 53.03, that
5 would be a total of 413.49. If we divide that by
6 the 2 months, it averages out to be \$206.59 1/2 for
7 each month.

8 Q So with that bill of 53.03 for the
9 December 10, 2008 through January 13, 2009 period of
10 53.03, what does that tell you about the billing
11 process of ComEd with respect to the bills that were
12 sent to the Complainant?

13 A The meter reading for \$360.16, the 89700
14 for the bill issued December 10, 2008 appears to be
15 1,000 kilowatt overread, which would automatically
16 correct itself when we go back and get the next
17 reading.

18 Q Let's turn to what's been marked as ComEd
19 Exhibit 2, it's entitled Isaiah McMillian Meter
20 Reading History.

21 Do you have that in front of you?

22 A I do.

1 Q And looking at those bills for November --
2 let's start with October 9th to November 7th, 2008,
3 through January 13, 2009. Were those all regular
4 reads by ComEd?

5 A Yes, they were according to the records.

6 Q And does it appear to you from looking at
7 the kilowatt hours that are recorded on that
8 Exhibit 2 that the readings were progressive in
9 nature?

10 A Yes.

11 Q Is there anything else you would like to
12 comment with respect to ComEd Exhibit 2?

13 A Well, yes. The reading that was taken
14 November 7, 2008, was 86648, the reading that was
15 taken January 13, 2009, is 90066, because of what
16 appears to be a misread in the middle -- overread by
17 1000, I believe, 3052 kilowatt hours of that was
18 billed in December. So in January to correct that,
19 we just billed the difference of the 360.16. The
20 total kilowatt hours that the customer was billed is
21 the same regardless of the 1000 kilowatt hour
22 overread.

1 Q Let's go back to Exhibit 1 for a moment.

2 Does the ComEd activity statement,
3 Exhibit 1, reflect the last time that the McMillians
4 paid anything on their electric bill?

5 A Yes. I show the last payment on the
6 account would be \$100 received December 13, 2008.

7 Q What is reflected as the current amount
8 owed by the McMillians as of April -- as of today?

9 A Well, this activity statement is dated
10 today, I show the balance due is \$2,718.06.

11 Q Now, let me show you what's been marked as
12 ComEd Exhibit 3.

13 Could you explain what is shown on
14 that bill.

15 A I'm showing that this bill has a read date
16 of April 13. It's for the service from March the
17 12th, 2010, to April 13th, 2010. This bill has the
18 same meter number as reflected on the activity
19 statement. And the customer was billed 509 kilowatt
20 hours. The total current amount was \$66.16. The
21 total balance due by May 17th was 2,662.66.

22 Q Now, let me show you what's been marked as

1 ComEd Exhibit 4. This is another ComEd bill.

2 Would you explain what is shown on
3 that bill.

4 A This bill is dated May 11th. It is for
5 service from April the 13th, 2010, to May 11th,
6 2010. It shows the kilowatt usage as 405 kilowatt
7 hours. And I'm showing the total current charge as
8 \$55.40. The balance total is \$2,718.06 due by June
9 the 14th.

10 I do show this has an estimated
11 present reading.

12 Q Is the meter number shown on that bill the
13 same as the meter number on the previous bill?

14 A Yes, the meter number is the same as that
15 on the bill of Exhibit 3 and as that on the activity
16 statement.

17 The meter exchange occurred one day
18 after this billing.

19 Q Now, let me show you what's been marked as
20 ComEd Exhibit 5.

21 There's been some discussion by
22 Ms. McMillian with respect to conversations she had

1 with you with respect to her bill. Do you recall
2 her testimony?

3 A Yes.

4 Q And as part of being an analyst in the
5 billing department of ComEd, are you required to
6 keep some kind of log of conversations you may have
7 had with Ms. McMillian?

8 A Yes.

9 Q And are those conversations somewhat
10 reflected on what's been marked as ComEd Exhibit 5?

11 A Yes, they would be the resolution
12 conversation.

13 Q And that's a screen print that shows what?

14 A Well, it explains that I spoke to
15 Ms. McMillian on July 7, 2009, at 11:12 a.m. I
16 explained the read of 12-10- -- I have '09, but the
17 reading in question was '08. That reading was
18 89700. It appears to be an overread of probably
19 1000 kilowatt hours overread, which automatically
20 corrected itself with the January 13 reading of
21 90066. The read of November 7 subtracted from the
22 January 13 read of 90066 was a difference of 3418

1 kilowatt hours. 3052 of those kilowatt hours were
2 billed with the December -- and, again, that should
3 be the '08 bill -- and the difference of the 366
4 kilowatt hour was billed with the January '09 bill.

5 And at that time I offered to have the
6 meter tested to confirm the accuracy of the meter.
7 She declined at that time, said she wanted to talk
8 to the ICC first.

9 MR. GOLDSTEIN: I have nothing else, Judge.

10 I would move into evidence ComEd
11 Exhibits 1 through 5.

12 JUDGE RILEY: Are you going to do Exhibit 6?

13 MR. GOLDSTEIN: That's another witness, Judge.

14 JUDGE RILEY: Oh, I'm sorry.

15 Ms. McMillian, that concludes the
16 direct testimony of Ms. Gallapo. Exhibits 1 through
17 5 have been moved into evidence -- do you have copies
18 of all of those?

19 MS. McMILLIAN: Yes.

20 JUDGE RILEY: Do you have any objection to any
21 of the exhibits?

22 MS. McMILLIAN: No.

1 JUDGE RILEY: You may proceed. I will hold the
2 ruling in abeyance, Mr. Goldstein.

3 Please proceed, Ms. McMillian.

4 CROSS-EXAMINATION

5 BY

6 MS. McMILLIAN:

7 Q Ms. Gallapo, what date did you first
8 contact me?

9 A I don't have that information with me.

10 Q Do you recall me asking you why my bill was
11 so high?

12 A I don't recall specifically.

13 Q Do you recall me saying to you that my
14 electric bill is always lower in the wintertime? Do
15 you recall that?

16 A No, I don't.

17 Q Did you make me aware of the fact that you
18 were no longer available to assist me -- first of
19 all, let me ask you this.

20 Did you retire from ComEd?

21 A Yes.

22 Q When you sat down you said you were -- what

1 position are you holding now?

2 A I'm doing the same thing I was performing
3 then. I'm hired back with the company as a
4 contractor.

5 Q So you really didn't -- you're not retired
6 now, you're working for the company?

7 A Technically I am working in the same
8 department at ComEd doing the same duties, but I'm
9 officially retired from the company.

10 Q Did you make me aware of the fact that you
11 had retired -- did you call me -- since you were the
12 person they put in place to assist me, did you call
13 me and tell me -- did you have dialogue with
14 Mrs. Waters?

15 A I resolved this complaint back in July of
16 2009. Since that time I had no conversation with
17 Ms. Waters or yourself that I recall involving this
18 complaint.

19 Q Involving this complaint.

20 Did you ever say to me that, As far as
21 I'm concerned this matter is closed?

22 A I don't know that I specifically put it in

1 those words.

2 Q Did you put it in writing?

3 A This resolution that I sent into Ms. Waters
4 or to the Illinois Commerce Commission is considered
5 closing the complaint.

6 Q Well, did you ever send me anything else to
7 say that it was closed?

8 A No, the conversation that we had closed it.

9 Q Did you tell me that?

10 A I don't remember what I have in the
11 records. As far as what I told you is reflected on
12 Exhibit 5, other than that, I honestly don't recall.

13 Q Did you ever say to me that the reason why
14 my bill was so high was because I was using some
15 electrical products? Did you ever say that -- do
16 you recall me telling you that at that particular
17 period I was out of town?

18 A No, I don't. Honestly, I don't have all of
19 the records with me. That may be noted in the
20 record, but I don't recall it.

21 MS. McMILLIAN: That's all.

22 JUDGE RILEY: Nothing further? Thank you.

1 MR. GOLDSTEIN: Nothing, Judge.

2 JUDGE RILEY: Nothing further from the witness?

3 MR. GOLDSTEIN: No.

4 JUDGE RILEY: Thank you, Ms. Gallapo.

5 (Witness excused.)

6 JUDGE RILEY: Do you have another witness?

7 MR. GOLDSTEIN: I call Wayne Widmer.

8 JUDGE RILEY: Please proceed.

9 (Witness sworn.)

10 WAYNE WIDMER,

11 called as a witness herein, and after having been

12 first duly sworn, was examined and testified as

13 follows:

14 DIRECT EXAMINATION

15 BY

16 MR. GOLDSTEIN:

17 Q Mr. Widmer, state your name and spell your

18 last name and tell us by whom you are employed.

19 A Wayne Widmer, W-i-d-m-e-r. I'm employed by

20 ComEd.

21 Q How long have you been employed with

22 Commonwealth Edison?

1 A For 32 years.

2 Q And what is your current position with
3 Commonwealth Edison?

4 A I'm a senior energy technician.

5 Q And what are the duties of a senior energy
6 technician?

7 A We work on single- and three-phase meters
8 and meter fittings, everything that has to do with
9 that.

10 Q As part of your duties as a senior energy
11 technician, do you also test meters?

12 A Yes, I do.

13 Q Could you tell us when you went out to
14 the -- you went out to the McMillian's home, did you
15 not?

16 A Yes, I did.

17 Q Why were you sent out to the McMillian's
18 residence?

19 A I was sent there to test the meter.

20 Q And when was the first time you were out
21 there to test the meter?

22 A April 14.

1 Q Of what year?

2 A 2010.

3 JUDGE RILEY: 2010?

4 THE WITNESS: Yes.

5 MR. GOLDSTEIN: Q Did you test the meter at

6 that time?

7 A No, I did not.

8 Q Why did you not test the meter at that

9 time?

10 A There was a board from the deck obstructing

11 the -- my removal of the cover for the meter. And

12 also my test equipment would not fit in there.

13 Q And when you were unable to test the meter

14 what did you do?

15 A I left a card on the door stating that it

16 was a noncompliant condition and they needed to get

17 it repaired in 30 days so I could test the meter.

18 Q And that notice on the door is

19 Complainant's Exhibit 3.

20 Have you seen that?

21 A Yes, I have.

22 Q Is that the notice that you placed on the

1 door of the McMillian's residence?

2 A Yes, it is.

3 Q Then you went out to the McMillian's
4 residence again, did you not?

5 A Yes, I did on May the 12th.

6 Q And what did you do at that time?

7 A The deck had been -- the board on the deck
8 had been cut so I was able to complete the meter
9 test.

10 Q And you performed the meter test, did you
11 not?

12 A Yes.

13 Q Could you explain to us how you performed
14 that meter test on May the 12th, 2010.

15 A It's a simple procedure. I removed the
16 faceplate of the meter and removed the meter. We
17 put in a cylinder, put the faceplate back on, put
18 the meter into the cylinder, which allows us to have
19 voltage on the meter but not the current from the
20 house. So then we put a current on the house of 30
21 amps and also of 3 amps. We test the meter twice
22 with both amperage and the device we hold gives us

1 the accuracy of the meter.

2 Q And let me show you what's been marked as
3 ComEd Exhibit 6.

4 A I've got it.

5 Q Is that the meter test that you performed
6 at the McMillian's residence on May 12th, 2010?

7 A Yes, it is.

8 Q What does that test show?

9 A It shows that the meter was running
10 slightly slow. Anything below 99 percent or above
11 100 percent we would exchange the meter.

12 Q Did you exchange the meter on that date?

13 A Yes, I did.

14 Q On that date did you have a conversation
15 with Ms. McMillian at the residence?

16 A Yes, I did.

17 Q Could you tell us what you said to her and
18 what she said to you?

19 A Well, she didn't realize I was in the back
20 of the house. I knew I was going to interrupt the
21 service. I went up the back stairs and knocked on
22 her door. Apparently, she didn't hear my knocking.

1 So when she came, I was near the end of putting the
2 new meter in there and she was, you know, kind of
3 angry with me because she didn't think I had knocked
4 on her door. She had a police officer with her,
5 also.

6 Q Was there a conversation that you had with
7 the Complainant on that date?

8 A Well, I told her that I had tested the
9 meter and it tested somewhat slow and that was why I
10 exchanged the meter. I said, Maybe the reason that
11 they couldn't get a good read was because of the
12 board that was in front of the meter.

13 Q Now, could you explain to us where the
14 meter is located with respect to the underside of
15 the deck at the McMillian's residence.

16 A Well, the deck was probably about 6 feet
17 high. You walk underneath it and the meter itself
18 was up by the bottom of the deck; in other words,
19 the deck floor. So, you know, that's not that
20 unusual a situation. In some places people do have
21 decks and have sometimes a little conflict of the
22 placement of the deck.

1 Q But the purpose of when you put that door
2 hanger, Complainant's Exhibit 3, on the door of the
3 McMillian's residence, what was the reason for that?

4 A I couldn't take the faceplate off of the
5 meter and I couldn't put any test in to test the
6 meter.

7 MR. GOLDSTEIN: I have nothing else.

8 I would move into evidence ComEd's
9 Exhibit 6.

10 JUDGE RILEY: Okay. I'm going to hold that in
11 abeyance.

12 EXAMINATION

13 BY

14 JUDGE RILEY:

15 Q The date that you went out there in April,
16 that was your first attempt to test the meter?

17 A Yes.

18 Q April what?

19 A April 14.

20 Q What prompted your visit to test that
21 meter?

22 A I had an order to test the meter.

1 Q Order from whom?

2 A For accuracy.

3 Q Who submits that order to you?

4 A My dispatcher.

5 Q Somewhere in the Commonwealth Edison

6 process then?

7 A Right.

8 JUDGE RILEY: I don't have any further

9 questions.

10 I'm going to let you have a full

11 cross-examination in just a moment.

12 Again, I'll hold a ruling in abeyance

13 on the exhibit.

14 Go ahead with your cross-examination,

15 Ms. McMillian.

16 CROSS-EXAMINATION

17 BY

18 MS. McMILLIAN:

19 Q Mr. Widmer, on May 12th did you knock on my

20 front door?

21 A No, I knocked on your back door.

22 Q Why?

1 A Because I was underneath the deck. I knew
2 I was going to interrupt the service and the back
3 door was closest in proximity to where I was.

4 Q When you got out of your truck where was it
5 parked?

6 A On the street.

7 Q In front of my house, correct?

8 A That's correct. But at -- when I walked
9 back there I didn't realize I was going to interrupt
10 the service.

11 Q You said it was a simple procedure.

12 A Yes.

13 Q If it's a simple procedure why all of a
14 sudden it became some big deal -- my thing is this,
15 when I talked to you, I asked you, Why didn't you
16 knock on my front door? My office faces the front
17 and I could hear the doorbell. In the back there's
18 a deck and then there's a sun porch you could look
19 through. There's no doorbell. If you knock, you're
20 knocking on the door that leads to the sun porch.
21 Now, I didn't hear you knock and you didn't -- did
22 you call my number to let me know you were going to

1 my backyard?

2 A No.

3 Q Did you know if I had a Rottweiler back
4 there?

5 A You had an open yard.

6 Q I had a fence.

7 A I go in backyards all the time. It's my
8 job. I wasn't really required to give you a phone
9 call. I really thought the back door was
10 sufficient. I didn't really realize it was an open
11 room. I thought it was a back door.

12 Q When I came around the back with the
13 officer, what did you say when the officer said,
14 What are you doing? Do you recall?

15 A I don't recall my words, no.

16 Q Well, you said that you were replacing the
17 meter --

18 A Okay.

19 Q -- putting in a new meter.

20 A Yes.

21 Q And I asked you -- I said, Who authorized
22 you to put this meter in? And you said, I thought

1 you did. Do you remember saying that?

2 A I do remember saying that, yes.

3 Q Why?

4 A Well, most complaints of high bills are put
5 forth by the customer. I thought that's where it
6 was coming from.

7 Q Well, you said you got orders from someone,
8 didn't you?

9 A I had a test on my computer, that told me
10 to test the meter. But I assumed, and I guess I
11 wrongly assumed, that you had ordered the test for
12 the complaint of the high bill.

13 Q Why did my lights keep blinking on and off
14 every 5 minutes?

15 A Well --

16 Q A surge came through and knocked my
17 computer completely off. Why would that happen?

18 A Well, I did have some difficulty getting
19 the disk into the meter fitting. However, as I told
20 you on that day, really it isn't a surge because a
21 surge would be a higher voltage coming through. It
22 was really more like your lights going on and off.

1 I didn't know, you know, what the situation was that
2 you had your computer going on in there. I was
3 merely doing my job.

4 Q Okay. It didn't just go on and off. It
5 was -- okay, I would think that you would -- it's a
6 simple procedure, so I would think that you would
7 like turn everything off or -- because I'm thinking
8 that it's making my bill go even higher.

9 But why did you keep, like every 5
10 minutes or 10 minutes, it would go -- you said it
11 was a simple procedure, yet you were back there for
12 over 30 minutes.

13 A Well, the test itself takes about 20
14 minutes. I was -- like I say, I did have some
15 difficulty in getting the cylinder that we use into
16 your fitting, so it took a little longer. When I
17 put the cylinder in that turns your power on, when I
18 take the cylinder out, the power goes out.

19 But like I say, I just had a little
20 bit of a difficult time in order to get the cylinder
21 in.

22 Q In that case it wasn't really a simple

1 procedure.

2 A Well, it is a simple procedure. The test
3 itself is a simple procedure. I just had a little
4 trouble with the disk that day.

5 Q And is that common for you not to come and
6 knock on the front door? You always knock on back
7 doors?

8 A It varies. I can't say that I always knock
9 on front doors or back doors.

10 JUDGE RILEY: Do you have anything further?

11 MS. McMILLIAN: No.

12 JUDGE RILEY: Okay. Thank you.

13 Mr. Widmer, the only other
14 question I would have is when you put the new meter
15 in, installed the new meter after you took the old
16 one out, it was running slow, did you test it?

17 THE WITNESS: No, sir, we don't. They're
18 already tested -- they're brand-new meters and
19 they're tested in Oak Brook.

20 JUDGE RILEY: So there was no question in your
21 mind that the meter was going to be running
22 properly.

1 THE WITNESS: That's correct.

2 JUDGE RILEY: Okay.

3 MR. GOLDSTEIN: I have no other questions of the
4 witness, other than I move again of the admission of
5 Exhibit 6.

6 Did you admit Exhibits 1 through 5?

7 JUDGE RILEY: We're going to do that right now,
8 pending objection.

9 Ms. McMillian, with regards to
10 ComEd Exhibits 1 through 6, they've all been moved
11 for admission into evidence, do you have any
12 objection to any of the exhibits at all?

13 MS. McMILLIAN: No.

14 JUDGE RILEY: All right.

15 ComEd Exhibits 1 through 6 are
16 admitted into evidence.

17 (Whereupon, Respondent's
18 Exhibits 1 through 6 were
19 admitted into evidence.)

20 JUDGE RILEY: I need just a couple of minutes to
21 go back and there's a couple things to wrap up. I
22 have to make copies of your exhibits.

1 Well, let me ask right now, are the
2 parties leaning toward closing briefs or would they
3 just rather make closing statements?

4 MR. GOLDSTEIN: It's up to Ms. McMillian.

5 JUDGE RILEY: Ms. McMillian, a closing brief is
6 a written document that you would submit to the
7 Clerk's Office detailing your case again --
8 summarizing it, and saying, This is why I should
9 prevail in this matter.

10 Would you rather make a closing
11 statement?

12 MS. McMILLIAN: Yes.

13 JUDGE RILEY: You may do so now, if you choose,
14 or if you need a couple of minutes.

15 MS. McMILLIAN: Give me a couple of minutes.

16 JUDGE RILEY: Okay. I'll be right back.

17 (Whereupon, a short
18 recess was taken.)

19 JUDGE RILEY: Ms. McMillian, you indicated you
20 would rather make a closing statement.

21 Please proceed.

22 MS. McMILLIAN: Around, approximately, November

1 of 2008, I received a large electric bill, which
2 prompted me to call ComEd for an explanation as to
3 why I received such a bill. After some
4 investigation they admitted to me that someone had
5 misread the meter. I was waiting for them to take
6 the charges off as opposed to doing some
7 readjustment. I said to them that I felt that they
8 were handling the situation incorrectly.

9 I then called CUB, Citizens Utility
10 Board, and they referred me to the ICC. They got in
11 touch with ComEd who assigned me to a person by the
12 name of Gay Gallapo.

13 After speaking with her, she said she
14 would get back to me. I waited for a return phone
15 call and never came. I then called Ms. Waters who
16 got in touch with Gay Gallapo. She then informed
17 me, about three months later, that Gay Gallapo had
18 retired. And that's why we're here today. The
19 matter has not been resolved in my mind.

20 I feel that ComEd acted
21 unprofessionally in resolving this matter. If there
22 was something wrong with the meter on ComEd -- I

1 mean ComEd's meter that's attached to my home, then
2 who is to say that in prior years there were many
3 other misread meters?

4 JUDGE RILEY: Does that conclude your statement?

5 MS. McMILLIAN: Yes.

6 JUDGE RILEY: Thank you.

7 Mr. Goldstein?

8 MR. GOLDSTEIN: Yes, thank you, Judge.

9 We're here because Ms. McMillian has
10 complained that she received a high bill in November
11 of 2008. She's acknowledged that the meter was
12 misread.

13 And I guess in response we would say
14 that it is obvious from the testimony today that
15 with the meter under the deck as it is, it was
16 difficult to read the meter and there was a board
17 blocking part of the meter.

18 Prior to the disputed period, November
19 of 2008, Ms. McMillian had an outstanding balance.
20 She still has an outstanding balance. And that
21 balance is over \$2700. She has not paid a single
22 cent since December of 2008.

1 As Ms. Gallapo testified she,
2 initially in 2009 -- in July of 2009, declined
3 having her meter tested. She still has not
4 explained why -- and really -- she hasn't made a
5 payment since December of 2008. This is over
6 18 months, Judge, and she hasn't paid a bill.

7 During the disputed period of time
8 that we've been talking about, December, November,
9 October of 2008, and subsequently into early 2009,
10 they were all regular readings of Ms. McMillian's
11 electric meter.

12 With respect to the action taken by
13 Ms. Gallapo, she explained to you, Judge, how the
14 complaint was closed out with the Commission. She
15 explained to Ms. McMillian what occurred and how the
16 fact that the subsequent bills after November of
17 2008 corrected the readings on the meter and
18 corrected the bill.

19 She's looking for some kind of credit
20 which, in effect, was actually given to her. And, I
21 guess, she still does not agree with the explanation
22 that was provided by Ms. Gallapo back in July of

1 2009 and does not agree with what has occurred this
2 morning.

3 But the fact remains, there's \$2700
4 outstanding on her bill. And, at best, she has a
5 couple hundred dollars in dispute, maybe. And even
6 that, I would say, is not in dispute because the
7 meter readings were corrected. The bills were
8 corrected. And so she has really no complaint.

9 JUDGE RILEY: Does that complete your statement?

10 MR. GOLDSTEIN: Yes.

11 JUDGE RILEY: Thank you.

12 Ms. McMillian, did you want to make
13 one last --

14 MS. McMILLIAN: I would just like to say that I
15 do not agree with them overcharging me and not
16 making restitution for the overage.

17 JUDGE RILEY: Okay. Thank you.

18 That completes both parties' cases in
19 chief. I have the matter of just Xeroxing some
20 documents here, so I can get copies to you,
21 Ms. McMillian.

22 Does that complete Commonwealth

1 Edison's case in chief?

2 MR. GOLDSTEIN: We have nothing else, Judge.

3 JUDGE RILEY: Thank you.

4 I will direct the court reporter to
5 mark this matter heard and taken.

6 Thank you.

7 HEARD AND TAKEN

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